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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,740	04/19/2001	Mark Weinzierl	107870.00026	9331

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EXAMINER
CASIANO, ANGEL L

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 10/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,740	WEINZIERL ET AL.	
	Examiner	Art Unit	
	Angel L Casiano	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,22 and 23* is/are rejected.

7)☒ Claim(s) *1* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The present Office Action is in response to Amendment filed 19 August 2004.

2. Claims 1-20 and 22-23 are pending in the present application. Claims 24 and 25, previously presented before the submission of the RCE are not included (see new listing of claims). Accordingly, these claims are not considered in the present Office action.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Specification

4. Previous Objection to the Title has been overcome.

Claim Objections

5. Claim 1 is objected to because of the following informalities: The claim recites "wherein the communication device, the second communication device, the interface, and the processor are coupled to one another". The claims should specify the "first" communication device. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-10, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Donahue et al. [US 5,835,721].

Regarding claim 1, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes a first communication device (see "RF module"; Fig. 3), a second communication device (see "IR module"), a processor (see "APU"; col. 2, lines 48-50), and an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55). In the Holshouser system, the communication devices, the interface, and the processor are coupled together (see Fig. 3). Holshouser teaches physically remote devices in wireless communication with the first communication device (see col. 2, lines 66-67; col. 3, lines 8-10). In addition, the second communication device (see Fig. 3, "36") allows communication with " a nearby device" (see col. 3, lines 4-5). In particular, the wireless day planner discussed by Holshouser is able to "connect with other computers or to a local network" (see col. 3, lines 13-14). Nonetheless,

although the reference clearly suggests communication between devices (as part of a local network), it does not explicitly cite this communications as being "via at least the first or second communication device", as claimed. Regarding this aspect, Donahue teaches a communication device which allows a first and second device to communicate wirelessly (see Figure 1, "10"; col. 4, lines 37-50). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain "flexibility in positioning the first and second" (see Donahue, col. 4, lines 61-63) devices. Furthermore, Examiner submits that one of ordinary skill in the art would have been motivated to combine the disclosures since the resulting combination would have allowed communication between devices without having to "point at each other" (see Donahue, col. 4, lines 62-63; Holshouser, Fig. 3, "36").

As for claim 2, Holshouser teaches the system integrating the communication devices, the interface, and the processor in communicative proximity to each other (see Fig. 3).

As for claim 3, the communication devices disclosed by Holshouser are adapted to communicate wirelessly with a computing device (see col. 3, lines 4-6; col. 5, lines 46, 51 and 55).

As for claim 4, the communication devices disclosed by Holshouser are adapted to communicate wirelessly with a communications network (see Abstract).

As for claim 5, the communication devices in the prior art are transceivers (see Abstract; Figure 3, "Tx/Rx").

In consideration of claim 6, the combination of references does not explicitly teach the communication devices as adapted to communicate wirelessly with a Cellular Digital Packet Data communications network. Nonetheless, Holshouser teaches wireless communication over a network (see Abstract). Furthermore, the system disclosed in the cited prior art includes a cellular telephone as part of the disclosure (see col. 1, line 51). It is well known that CDPD (Cellular Digital Packet Data) is a protocol for wireless two-way transmission, which was developed for cellular phone frequencies. Therefore, since Holshouser teaches a cellular telephone as part of its system, it would have been obvious to one of ordinary skill in the art at the time of the invention, to communicate information using CDPD protocol, since it is a well known wireless standard.

As for claim 7 Holshouser teaches a Local Area Network (LAN) wireless connection (see Abstract; col. 1, lines 27-28).

As for claim 8, the combination of references (see Holshouser) teaches a wireless connection to a network (see Abstract). However, the cited art does not specify the network as being a Wide Area Network (WAN). It is known in the art that WAN are networks which connect LAN (Local Area Networks). Accordingly, the combination of references teaches a LAN wireless connection (see Holshouser; col. 3, lines 13-14). One of ordinary skill in the art would have been motivated to connect the cited system to a WAN (e.g. internet), since it would allow communication with multiple users and computers in different locations.

As for claim 9, Holshouser teaches a communication device adapted to communicate wirelessly with a Global Positioning System (GPS) (see col. 3, line 17).

As for claim 10, the Holshouser system teaches a data entry coupled to the interface (see Figure 3, "26").

As for claim 13, although a "thin-client" is not expressly included in the combination of disclosures, Holshouser teaches enabling the interface to receive an external device (see col. 2, lines 65-66; see Fig. 3, "30"). It is well known in the art that a "thin-client" is an example of an external device, which would have been connected to the prior art interface.

Regarding claim 23, this constitutes a variation of the wireless day planner portfolio system disclosed in previous claims. The combination of references as exposed in the present Office action, teaches or suggests the limitations corresponding to the system. Accordingly the present claim is rejected under the same rationale.

8. Claims 11-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Donahue et al. [US 5,835,721] in further view of Wang et al. [US 5,786,921].

As for claims 11 and 12, the cited combination does teach wireless communication (see Abstract) as well as a display, indicating information to the user (see Holshouser col. 2, lines 56-

57). However, the combination of references (Holshouser in view of Donahue) does not explicitly teach a (LED) Light Emitting Diode coupled to the processor to provide wireless communication status. Regarding this limitation, Wang et al. teaches the use of LED to indicate status information (see col. 18, lines 23-28). Accordingly, one of ordinary skill in the art would have been motivated to incorporate an LED into the combination of disclosures in order to indicate wireless communication status information, since LED provides a display as an indication.

Regarding claim 22, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The Holshouser system also includes a wireless device (see "RF module"; Fig. 3), an infrared (see "IR module"), a processor (see "APU"; col. 2, lines 48-50), and an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55). In the Holshouser system, the communication devices, the interface, and the processor are coupled together (see Fig. 3). Nonetheless, although the reference clearly suggests communication between devices (as part of a local network), it does not explicitly cite this communications as being "via at least the first or second communication device", as claimed. Regarding this aspect, Donahue teaches a communication device which allows a first and second device to communicate wirelessly (see Figure 1, "10"; col. 4, lines 37-50). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain "flexibility in positioning the first and second" (see Donahue, col. 4, lines 61-63) devices. In another aspect of the claim, the combination of references does not explicitly teach a (LED) Light Emitting Diode coupled to a processor to provide wireless communication status. Regarding this aspect, Wang

et al. teaches wireless communication (see Abstract). Wang et al. also teaches the use of LED to indicate status information (see col. 18, lines 23-28). Accordingly, one of ordinary skill in the art would have been motivated to incorporate an LED into the combination of disclosures in order to indicate wireless communication status information, since LED provides a display as an indication.

9. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Vook et al. [US 5,636,220].

Considering claim 14, Holshouser teaches a communication device (see Fig. 3), an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55), a processor coupled to the communication device (see col. 2, lines 51-52), and a data entry system coupled to the interface (see Fig. 3; col. 2, line 55). However, the cited prior art does not explicitly teach the system as being a "wireless portfolio". Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the "portfolio", as claimed, constituted a type of housing, as disclosed by Holshouser. Holshouser however fails to explicitly teach a "first device" being "physically remote from the interface" which "may wirelessly communicate with a second device that is physically remote from the interface via the communication device". Holshouser also teaches the communication device as being connected to a "local area network". Vook et al. teaches a wireless network (see Title). As part of the network, Vook et al. teaches a device, which may allow a first and second device

to communicate (see Figure 2; col. 2, lines 35-37). In order to implement a wireless network, one of ordinary skill in the art would have been motivated combine the references and therefore possibly allow communication between devices which are "physically remote" from an interface.

As for claim 15, Holshouser teaches enabling the interface to receive an external device (see col. 2, lines 65-66; see Fig. 3, "30"). It is well known in the art that a "thin-client" is an example of an external device, which would have been connected to the prior art interface.

As for claims 16, the cited art does not mention a "wireless portfolio" supporting an "Infra Red Data Association (IRDA) IR Comm Protocol". "Infra Red Data Association (IRDA) IR Communication Protocol" allows a computing device (e.g. computer, laptop, PDA) to communicate with other devices via infrared. Holshouser teaches infrared communication, as part of its disclosure (see col. 2, line 9; col. 3, lines 4-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a protocol for wireless communication and infrared communication in order to allow proper communication with other devices, as disclosed by Holshouser.

As for claim 17, it is well know in the art that "Blue Tooth" is a specification for short-range communication among computing devices. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a protocol for wireless communication and infrared communication in order to allow proper communication with other devices, as disclosed by Holshouser.

As for claims 18 and 19, the Holshouser device transceives audio (see col. 3, lines 32-33) and data (see Abstract) information.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Donahue et al. [US 5,835,721] in further view of Ghirnikar et al. [US 6,216,001 B1].

Regarding claim 20, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes means for communication (see Fig. 3) and means for transmitting a wireless signal (see Abstract). Although the reference clearly suggests communication between devices (as part of a local network), it does not explicitly cite this communications as being "between a first device and a second device that are physically remote from an interface coupled to a communication device", as claimed. Regarding this aspect, Donahue teaches a communication device which allows a first and second device to communicate wirelessly (see Figure 1, "10"; col. 4, lines 37-50). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain "flexibility in positioning the first and second" (see Donahue, col. 4, lines 61-63) devices. The cited combination of references does not include means for monitoring a wireless communication status. Regarding this aspect, Ghirnikar et al teaches service level indication in a wireless communication device (see Title; col. 5, lines 37-47; col. 7, lines 11-15). At the time of the invention, one of ordinary skill in the art would have been motivated to modify the cited combination of references, in order to allow "the user of the wireless communication device" to

have an "appropriate expectation off his/her current ability to originate and/or receive messages by way of the wireless communication device" (see Ghirnikar et al., col. 2, lines 4-7).

Response to Arguments

11. Applicant's arguments with respect to claims 1, 14, 20, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Lortz [US 6,745,026 B2] teaches personal computer-based paging system.
- Canora et al. [US 6,009,247] teaches portable computer network.
- Ismail [WO 99/67765] teaches device and method for providing services to users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc
29 September 2004.

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
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